

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<p>AMERICAN EDUCATIONAL RESEARCH ASSOCIATION, INC., AMERICAN PSYCHOLOGICAL ASSOCIATION, INC., and NATIONAL COUNCIL ON MEASUREMENT IN EDUCATION, INC.,</p> <p style="text-align: center;">Plaintiffs/ Counter-Defendants,</p> <p>v.</p> <p>PUBLIC.RESOURCE.ORG, INC.,</p> <p style="text-align: center;">Defendant/ Counter-Plaintiff.</p>	<p>Case No. 1:14-cv-00857-TSC-DAR</p>
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**CONSENT MOTION OF AMERICAN SOCIETY OF TESTING AND MATERIALS D/B/A ASTM INTERNATIONAL, NATIONAL FIRE PROTECTION ASSOCIATION, INC. AND AMERICAN SOCIETY OF HEATING, REFRIGERATION AND AIR CONDITIONING ENGINEERS TO INTERVENE FOR THE LIMITED PURPOSE OF OPPOSING THE MOTION TO CONSOLIDATE DISCOVERY FILED BY PUBLIC.RESOURCE.ORG, INC.**

Pursuant to Federal Rule of Civil Procedure 24, American Society of Testing and Materials d/b/a ASTM International, National Fire Protection Association, Inc. and American Society of Heating, Refrigeration and Air Conditioning Engineers (collectively, the “Movants”) respectfully move the Court for leave to intervene in this action for the limited purpose of opposing Defendant-Counterclaimant Public.Resource.Org, Inc.’s Motion to Consolidate for the Purposes of Discovery (the “Motion to Consolidate”).

On or about January 29, 2015, Defendant-Counterclaimant Public.Resource.Org (Public Resource) filed the Motion to Consolidate in the above captioned case.<sup>1</sup> The Motion seeks to consolidate discovery in the above-captioned case with discovery in a case involving the

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<sup>1</sup> Copies of the Motion to Consolidate and the supporting memorandum of law are attached hereto as Exhibits A and B, respectively.

Movants that is captioned *American Society for Testing and Materials d/b/a ASTM International, National Fire Protection Association, Inc. and American Society of Heating, Refrigeration and Air Conditioning Engineers v. Public.Resource.Org, Inc.*, 1:13-cv-01215 (D.D.C.). Although Public Resource seeks to consolidate discovery in two cases, Public Resource only filed it in the above-captioned case. Apparently recognizing that the Motion to Consolidate will impact the Movants, on February 2, 2015, Public Resource served a “courtesy copy” of the Motion to Consolidate on the Movants.

The Movants seek to intervene solely for the limited purpose of opposing the consolidation of discovery in their case with discovery in the above-captioned case. Movants seek to intervene because a decision on the Motion to Consolidate will as a practical matter impair or impede their ability to protect their interest in connection with case number 1:13-cv-01215 (D.D.C.). Therefore, intervention for the purpose of opposition the Motion to Consolidate is appropriate pursuant to Federal Rule of Civil Procedure 24(a) and/or (b).

Pursuant to Local Rule of Civil Procedure 7(m), the undersigned conferred with counsel for the all of the parties in the above-captioned case, and all of the parties consented to the relief sought herein.

### **CONCLUSION**

For all of the foregoing reasons, Plaintiffs respectfully request that the Court grant this Motion and enter a protective order.

Dated: February 10, 2015

Respectfully submitted,

/s/ J. Kevin Fee

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion for Protective Order was served this 10th day of February, 2015 via CM/ECF upon the following:

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